



IDS #44/1644
4.01.02

Docket No. 13761-7030

Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

[X] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first-class mail on the date indicated below in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

[] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner _____ at Facsimile No. _____ at _____ a.m./p.m.

Dated: March 13, 2002 Name of Person Certifying: *Barrett*
Printed Name: LAER BARRETT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Miller, et al. Assignee: University of Southern California
Filing Date: September 27, 2001 Examiner: Unassigned
Serial No.: 09/966,561 Group Art Unit: 1644
Title: **TREATING NEUROLOGICAL DISORDERS USING HUMAN APOPTOSIS INHIBITING PROTEIN**

Assistant Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached Form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application.

I. Timing of the Information Disclosure Statement:

This Information Disclosure Statement is filed:

- ☐ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- ☐ Within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.
- ☐ Before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114.
- ☒ Before the mailing of a first Office action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement:

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☒ the Commissioner is hereby authorized to charge Deposit Account No. 50-1192, Docket No. 13761-7030 for the fee (\$180) set forth in 37 C.F.R. § 1.17(p) and any additional required fees.

☐ a statement as specified in 37 C.F.R. § 1.97(e) is provided below.

This Information Disclosure Statement is filed:

☐ After the first Office Action and more than three months after the application's filing date; or PCT national stage date of entry filing, or after the mailing of a first Office Action after the filing of a request for continued examination, but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and

☐ the Commissioner is hereby authorized to charge Deposit Account No. [] for the fee (\$180) set forth in 37 C.F.R. § 1.17(p) and any additional required fees.

☐ a statement as specified in 37 C.F.R. § 1.97(e) is provided below.

This Information Disclosure Statement is filed:

☐ After the mailing date of either a final rejection or a notice of allowance, whichever occurred first, but on or before the payment of an issue fee, and is accompanied by the fee (\$180.00) set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the Information Disclosure Statement.

Pursuant to 37 C.F.R. § 1.97(e), the undersigned certifies that:

☐ Each item of information contained in the Information Disclosure Statement was first cited in any communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

II. Copies of the Cited Items:

☐ Copies of all of the items listed on the attached Form PTO-1449 are enclosed.

☒ Copies of only the following items listed on the attached Form PTO-1449 are enclosed: Items not marked with an asterisk.

- ☒ Copies of those items which are marked with an asterisk (*) in the attached Form PTO-1499 are not supplied because they were previously cited by or submitted to the Patent Office in a prior Application No. 09/419,694, filed October 14, 1999 and relied upon in this application for an earlier filing date under 35 U.S.C. § 120. See 37 C.F.R. § 1.98(d).
- ☐ Copies of those items which are marked with an asterisk (**) in the attached Form PTO-1499 were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.

III. Concise Explanation of Relevance:

- ☒ A concise explanation of relevance of the items listed on Form PTO-1449 is not given.
- ☐ A concise explanation of relevance of [some of] the items listed on Form PTO-1449 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references (copy attached).

IV. Conclusion:

Citation of the above documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

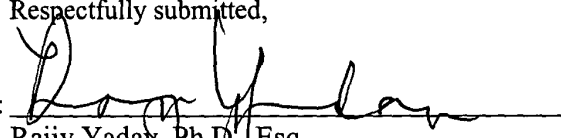
It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 with initials or other appropriate marks.

The Commissioner is hereby authorized to charge Deposit Account No. 50-1192 Docket No.: 50-1192, Docket No. 13761-7030 for any additional fees required in connection with the filing of this Information Disclosure Statement.

DATE: March 13, 2002

Respectfully submitted,

By:


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